

## **Section 405 - Landscaping, Screening and Erosion Control**

### **405.01 Plan Approval Required; Security.**

Subd. 1 **Site Plan and Planting Schedule.** In every case where landscaping, screening or erosion control measures are required by any section of this Code, or as a condition to any approval granted by the City pursuant to any section of this Code, for any building or structure, or for grading as defined in Section 830 of this Code, other than the construction of one single dwelling unit or one double dwelling unit building or structure accessory thereto, to be constructed on or conducted on any property within the City, the person proposed to do such work shall apply for and receive approval of a site plan and planting schedule pursuant to this Section. The applicant for the required approvals shall file with the Planner, for review and approval pursuant to the applicable section of this Code, a site plan of the property drawn to a scale of not less than 30 feet to one inch, showing in detail the landscaping, screening or erosion control work to be done on the site. Such site plan shall be prepared by a registered architect, landscape architect, professional site planner, or other person experienced in such work and acceptable to the Planner. Such site plan shall comply with the minimum standards imposed by Subsection 830.05 of this Code. The applicant shall also file with the Planner a planting schedule that shall specify the Latin name, common name, caliper, and quantity of all vegetative materials shown on the site plan, together with a time schedule for the construction and completion of all such landscaping, screening, and erosion control measures. The application shall be accompanied by the fee in the amount set forth in Section 185 of this Code.

Subd. 2 **Security.** The applicant shall also file with the Planner security in the form of a performance bond, letter of credit, or cash deposit, as determined by the Planner, to ensure that the landscaping, screening, or erosion control work is done pursuant to the site plan and within the time schedule therefor, all as set out in Subd. 1 of this Subsection, and to ensure the replacement of vegetative materials used in any such landscaping, screening or erosion control work that are not in a vigorous growing condition after two complete growing seasons as below set out in this Subdivision. The security shall be in an amount to be determined by the Planner, but for at least one and one-half times but not more than twice the amount estimated by the Planner as the cost of completing the required landscaping, screening, or erosion control measures. If a performance bond is used, it shall be with a corporate surety authorized to do business in the State and otherwise in form and substance acceptable to the Planner. If a letter of credit is used it, shall be unconditional and irrevocable, shall be issued by a national or State bank with its main office located in the Minneapolis-St. Paul metropolitan area, shall provide that funds up to the total amount of the letter of credit will be paid to the City, from time to time, upon written demand of the City and otherwise shall be in form and substance acceptable to the Planner. If a cash deposit is used, such cash shall be deposited with and held in escrow by a national or State bank having an office in the City. A written agreement, signed by the applicant and the bank, shall be delivered to the Planner, whereby the funds in escrow will be paid to the City, from time to time, upon written

demand of the City and otherwise shall be in form and substance acceptable to the Planner. Where such landscaping, screening or erosion control measures do not include the use of vegetative materials, the security therefor shall be in force until such landscaping, screening, or erosion control measures have been completed and approved by the Planner. Where such landscaping, screening, or erosion control measures do include the use of vegetative materials, the security therefor shall be in force for at least two complete growing seasons subsequent to the completion and approval of such landscaping, screening, or erosion control measures by the Planner. The Planner may require security for one complete growing season if all landscaped areas are fully irrigated. The growing season guarantee period for plant material installed after June 1 shall begin the following year.

Subd. 3 **Use of Security.** The City may use all or part of the security posted in accordance with Subd. 2 of this Subsection to install or replace landscaping or to undertake any other work which has not been undertaken by the applicant in accordance with the site plan, landscape schedule or time schedule as approved pursuant to this Section.

**405.02 Building Permits; Suspension or Revocation.** No building permits shall be issued for any building or structure to be constructed or placed on any site until the plans and schedules for that site, and the security therefor, have been approved and filed as required by this Section. If the building permit for work on the site is thereafter suspended or revoked, then the site work shown on the plan approved pursuant to this Section shall cease until a new building permit is issued or such suspension lifted.

*History: Ord 409 1-16-80*

*Cross Reference: Sections 185, 830; Subsection 830.05*